

**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
00990096AA

In Re Application Of: **Falaki, et al.**

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-------------------|---------------|----------------|--------------|----------------|------------------|
| 10/597,647 | 8/2/06 | unknown | 30743 | unknown | 4348 |

Title: **System and Method for Network Handover**

COMMISSIONER FOR PATENTS:

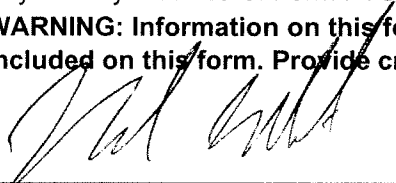
Transmitted herewith is:

Submission of Declaration and Power of Attorney Document; Submission of Assignment; and Petition Under 37 CFR 1.47(B) with attachments (copy of contract employment; copy of general agreement; copy of 4/27/07 letter to inventor Manimohan; and copy of airway bill with inventor's signature)

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-2041** as described below.
- ☒ Charge the amount of \$40.00 for assignment; \$130.00 for Petition Under 37 CFR 1.47(B)
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

Dated: **June 19, 2007**

Michael E. Whitham
Reg. No. 32,635
Whitham, Curtis, Christofferson
& Cook, P.C.
11491 Sunset Hills Road - #340
Reston, VA 20190
703/787-9400
Customer No. 30743

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Falaki

Confirmation No. 4348

Serial No. 10/597,647

Filed August 2, 2006

For SYSTEM AND METHOD FOR NETWORK HANDOVER

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

SUBMISSION OF DECLARATION AND POWER OF ATTORNEY
DOCUMENT; SUBMISSION OF ASSIGNMENT; AND
PETITION UNDER 37 C.F.R. §1.47(B)

Sir:

The above identified application was filed in the USPTO on August 2, 2006 as a national stage filing made under 35 U.S.C. 371. The application was filed without executed declarations or assignments.

Attached hereto is declaration executed by Hamid Falaki. Also attached is an assignment document executed by Hamid Falaki together with a recordation transmittal request. The undersigned requests entry of the declaration in the case, and recordation of the assignment in the USPTO records.

Joint inventor Velupillai Manimohan has been notified about the patent application and has refused to execute a declaration and assignment for the application. NEC Corporation is entitled to ownership of patent applications on inventions made by Velupillai Manimohan when he was in their employ. The obligation of Velupillai Manimohan to assign is made in a written employment agreement with NEC Technologies (UK) Ltd., and NEC Technologies (UK) Ltd. has a written agreement to assign to NEC Corporation (copies of both documents are attached). Velupillai Manimohan is no longer associated with NEC. The undersigned hereby petitions under 37 C.F.R. §1.47(b) to allow NEC, which has a 100% proprietary interest in the application, to proceed with the application on behalf of Velupillai Manimohan. The Commissioner is authorized to charge attorney's deposit account for all fees associated with this filing including without limitation the surcharge for filing of the declaration of Hamid Falaki, the



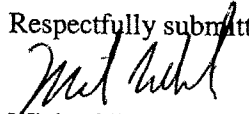
recordation of assignment of Hamid Falaki, and the petition fees required under 37 C.F.R. §1.17(g).

Below are declarations executed by authorized officers of NEC Technologies (UK) Ltd. attesting to the facts in this matter.

Grant of the petition and proceeding to examination of the application at an early date is requested.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Michael E. Whitham
Reg. No. 32,635

Whitham, Curtis, Christofferson & Cook, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190

Tel. (703) 787-9400
Fax. (703) 787-7557

Customer No.: 30743

DECLARATION OF DAVID SUTHERLAND

1. I hold the title of Company Secretary, Deputy General Manager, Administration Division, NEC Technologies (UK) Ltd., and am authorized to execute this document on behalf of NEC Technologies (UK) Ltd.
2. At the time the above-identified invention was made, Veluppliai Manimohan was in the employ of NEC Technologies (UK) Ltd., and was obligated to assign all inventions he made to NEC Technologies (UK) Ltd. Attached is a redacted Contract of Employment showing the cover sheet, execution pages, and patent policy sections. The patent policy section demonstrates an obligation of the employee to assign to the employer.



3. NEC Corporation, whose headquarters are in Tokyo Japan, has a right of ownership in technologies developed at NEC Technologies (UK) Ltd. Attached is a redacted General Agreement between the two entities showing that all technologies shall belong to NEC (section 10.2). The above-identified application is a technology governed by the agreement with NEC Corporation.

4. Veluppliai Manimohan is no longer employed by NEC Technologies (UK) Ltd. The last known address of Veluppliai Manimohan is 57 Elizabeth Gardens, Isleworth, Middlesex, TW7 7BD, UK.

5. Veluppliai Manimohan was identified as a joint inventor on PCT Application PCT/JP2005/001988 (WO 2005/076656). The above-identified application is a national stage filing from PCT/JP2005/001988. Veluppliai Manimohan was aware of the patent filing which was identified internally as "03/54". Veluppliai Manimohan has been given an opportunity to review the application and to execute declaration and assignment papers that comport with his obligations to NEC Technologies (UK) Ltd.

Attached is a copy of a letter dated April 27, 2007 which was sent from the Patent & Commercial Coordinator to Veluppillai Manimohan which included the declaration and assignment papers. These documents were sent by courier to Veluppliai Manimohan.

Attached is a copy of an airway bill work sheet which shows that Veluppliai Manimohan signed for the documents on May 2, 2007. In the first entry at the top of the airway bill, Veluppliai Manimohan has signed for receipt of the documents.

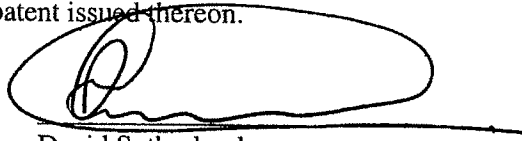
6. To date, Veluppliai Manimohan has not executed and returned declaration and assignment documents as he is required to do under his employment agreement.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

A handwritten signature in black ink, consisting of a stylized 'V' followed by a circular flourish.

statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 9th July 2007



David Sutherland
Company Secretary
Deputy General Manager, Administration
Division
NEC Technologies (UK) Ltd.

DECLARATION OF HIROYUKI OKAZAKI

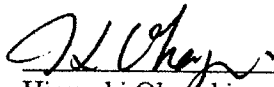
1. I hold the title of General Manager, Intellectual Asset Planning Division, Intellectual Asset Management Unit, NEC Corporation.
2. NEC Corporation is entitled to pursue a patent application on the invention described and claimed in US Application No. 10/597,647. Evidence of NEC Corporation's ownership interest is outlined above in David Sutherland's declaration and attachments to this document. Specifically, Hamid Falaki and Veluppliai Manimohan invented this application while in the employ of NEC Technologies (UK) Ltd. Hamid Falaki has executed a declaration and assignment of this application as required by employment agreement, but Veluppliai Manimohan has not executed declaration and assignment documents as required by his employment agreement (attached hereto). NEC Technologies (UK) Ltd. is obligated to have inventions assigned to NEC Corporation as evidenced by the attached agreement between the two companies.
3. Diligent efforts have been made to have Veluppliai Manimohan join in the above-identified application as evidenced by the attached letter and air bill which shows Veluppliai Manimohan is aware of the application and has been requested to sign papers indicating his joint inventorship.
4. NEC Corporation wishes to proceed with prosecution of the application on behalf of Veluppliai Manimohan as permitted under 37 C.F.R. 1.47(b). The last



known address of Velupplai Manimohan is set forth above in the declaration of David Sutherland.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 12, 2007



Hiroyuki Okazaki
General Manager
Intellectual Asset Planning Division
Intellectual Asset Management Unit
NEC Corporation


2

Hamid Falaki Declaration